IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7775 OF 2007

Mundhe Devidas Bhagawan ...Petitioner

V/s.

State of Maharashtra & Ors. ...Respondents

Mr. Vishwasrao S. Deokar for the Petitioner

Mr. V.S. Gokhale, Assistant Government Pleader,
for Respondents No. 1 and 2.

CORAM: **J.N. PATEL AND**
SMT. NISHITA MHATRE, JJ.
DATE: **DECEMBER 4, 2007**

P.C.:-

1. Leave granted to correct the serial number in the cause-title of respondent No. 3, which is wrongly written as '1'.

2. Heard the learned counsel for the parties.

3. This petition can be disposed of at the stage of admission itself.

4. The petitioner has approached this Court, as respondent No. 2 failed to decide his application for change of date of birth.

5. It is the case of the petitioner that his date of birth came to be wrongly recorded out of ignorance; and it has been canvassed before us that the dates of birth of his brother and sisters have been recorded as 1st June, 1955; 1st June, 1958 and 1st June, 1960, respectively, and they are not correct.

6. According to the petitioner, he has made various applications to proper authorities, but no cognizance has been taken. Presently, the petitioner is working as an Assistant Teacher in respondent No. 3's institution. It is the case of the petitioner that he was born on 2nd March, 1951, whereas his date of birth came to be recorded as 1st June, 1950.

7. In the affidavit-in-reply filed on behalf of respondents No. 1 and 2, it is submitted that the petitioner is not entitled to change his date of birth from 1st June, 1950 to 2nd March, 1951, as the petitioner has sought correction in the entry of date of birth in

his original Service Book, which was recorded way back in the year 1978.

8. It is submitted by the learned counsel for the petitioner that it is only after the petitioner came across his correct Birth Certificate that he realised that his date of birth was wrongly recorded in his Service Book. It is, therefore, submitted that the authorities be directed to take a decision in the matter of correction of his date of birth in accordance with Rule 26 and Appendix Six of the Secondary Schools Code [amended as per Government Resolution dated 16th March, 1983 vide amendment No. 2/83 – Secondary School].

9. We do not want to express any opinion in the matter, as the issue has to be decided by the Education Officer (Secondary). It appears that the petitioner has been making representations, but there is nothing on record to show that he has filed any application in Form No. 1, as required under the amended Rules and Appendix.

10. The learned counsel for the petitioner submits that he will file an application in Form No. 1 before the Competent

Authority – in his case, the Education Officer (Secondary) of the Zilla Parishad concerned – within two weeks, and annex all the relevant documents as required.

11. On such application being made, the respondent-Education Officer would take a decision in the matter within a period of six weeks from the date of receipt of the application, subject to the petitioner co-operating with the Education Officer.

12. Petition stands disposed of accordingly. No order as to costs.

J.N. PATEL, J.

SMT. NISHITA MHATRE, J.